

Department of Planning and Budget

2010 Fiscal Impact Statement

1. Bill Number: HB 172

House of Origin X Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. Patron: Pogge

3. Committee: House Courts of Justice

4. Title: Crimes prohibiting proximity to children

5. Summary:

The Code of Virginia lists certain sex offenses that it defines as “offenses prohibiting proximity to children”. The statute goes on to prohibit anyone convicted of such an offense occurring on or after July 1, 2000, from loitering within 100 feet of any school. Anyone convicted of such an offense occurring on or after July 1, 2006, is prohibited from loitering with 100 feet of a child day program. Finally, any person convicted of such an offense occurring on or after July 1, 2008, is prohibited from going, for the purpose of having any contact with children that are not in his custody, within 100 feet of a public playground, athletic field or facility, or gymnasium. Any violation of these prohibitions constitutes a Class 6 felony.

The proposed legislation would remove the date of the occurrence of the “offense prohibiting proximity to children” from the provision relating to the prohibition against loitering within 100 feet of any school, with the result that all persons convicted of such an offense, regardless of when the offense occurred, would be subject to the prohibition.

6. Fiscal Impact Estimates: Preliminary. See Item 8.

Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Fund</i>
2011	\$50,000	General
2012	\$0	
2013	\$0	
2014	\$0	
2015	\$0	
2016	\$0	

7. Budget Amendment Necessary: Yes. Item 380.

8. Fiscal Implications:

For someone convicted of a Class 6 felony, a judge has the option of sentencing him to up to one year in jail, or 1 to 5 years in prison. Therefore, this proposal could result in an increase in the number of persons sentenced to jail or prison. However, the number of offenders that have been convicted prior to July 1, 2000, of crimes that prohibit them from having proximity to children is not known. Furthermore, the number that would violate the proximity to schools restriction is unknown.

Due to the lack of data, the Virginia Criminal Sentencing Commission has concluded, pursuant to §30-19.1:4 of the Code of Virginia, that the impact of the proposed legislation on state-responsible (prison) bed space cannot be determined. In such cases, Chapter 781 of the 2009 Acts of Assembly requires that a minimum impact of \$50,000 be assigned to the bill.

9. Specific Agency or Political Subdivisions Affected:

Department of Corrections
Local and regional jails

10. Technical Amendment Necessary: None.

11. Other Comments: None.

Date: 2/9/2010 dpb